

REMARKS

Claims 1-9, 12-16, 39 and 40 are pending in the application. Claims 10, 11, and 17-38 have been withdrawn from consideration. New claims 39 and 40 have been added.

Summary of Telephone Interview February 25, 2004

Applicants thank the Examiner for the telephonic interview granted to the below-signed attorney, Mr. I. McIntyre, on February 25, 2004. In that interview, Mr. McIntyre requested that the finality of the pending Office Action be withdrawn, given that this was the first office action issued following the submission of an RCE with an accompanying amendment in which amendments were made to claim 1. The Examiner denied the request. The Examiner indicated that the final rejection was proper according to MPEP § 706.07(b) since the claims, even after amendment, were drawn to the same invention claimed before the RCE.

Mr. McIntyre and the Examiner also discussed the prior art upon which the rejections were based and the current claim coverage. The Examiner indicated that he understood that term "mounted" did not require that the light source or reflective image display were mounted directly to the mount surface and that some intervening mounting elements could be present in a device that was covered by the claim. No agreement was reached on allowable claim language.

Rejections under 35 U.S.C. 102

Claim 1 is rejected under 35 U.S.C. §102 (b) as being anticipated by Uchiyama. Uchiyama has been described in previous submissions.

As amended, claim 1 requires that the first light source is mounted to a first position on a substantially planar mount surface and that the reflective image display unit is mounted to a second position on the mount surface different from the first position.

According to the Office Action, the desk or stand (10) shown in Uchiyama's FIG. 2 constitutes a mount surface. Both the light source (2) and the modulation elements (6B and 6R) are contained in a case (1) that has legs (13) in contact with the desk

surface (10). The position on the desk surface (10) at which the light source (2) is mounted to the desk surface is the position(s) where the legs (13) touch the desk top (10). Also, the position of the desk surface (10) where the modulation elements (6R or 6B) are mounted to the desk top (10) is the position(s) where the legs (13) touch the desk top (10). In other words, the positions on the desk top where the light source and the modulation elements are mounted are the same. Thus, Uchiyama fails to teach that the light source and the image display unit are mounted to different positions on the mount surface.

Therefore, Uchiyama fails to teach all the elements of claim 1, and claim 1 is allowable over Uchiyama.

Claims 1 and 12 are rejected under 35 U.S.C. §102 (e) as being anticipated by Schehrer. Schehrer has been described in previous submissions.

As amended, claim 1 requires that the first light source is mounted to a first position on a substantially planar mount surface and that the reflective image display unit is mounted to a second position on the mount surface different from the first position.

Applicants respectfully assert that Schehrer fails to teach all the elements of claim 1. In particular, Schehrer fails to teach that the light source and the image display unit are mounted at different positions on a common, substantially planar mounting surface. Instead, Schehrer teaches different embodiments without showing a common, substantially planar, mounting surface. The display (1) and the mounting hardware (2) are shown as separate blocks. Schehrer's mounting hardware (2) is shown simply as a way of attaching the head-mounted display (1 – shown in block format) to the user's head: in paragraph 0045 it is suggested that the mounting hardware may be a helmet that includes a means for adjusting the position of the head mounted display relative to the eye (3).

Even if, *arguendo*, the mounting hardware were to be understood literally as shown in FIG. 1A, Schehrer still fails to teach the limitations of claim 1 for reasons similar to those discussed above with respect to Uchiyama. In other words, the head mounted display box (1) is attached to the mounting hardware. Therefore, any elements inside the display box are effectively mounted to the same position on the

mounting hardware, i.e. that position at which the box (1) is attached to the hardware (2). Thus, different elements within the box (1) are not mounted to the mounting hardware (2) at different positions on the hardware's mount surface.

Accordingly, Schehrer fails to teach all the elements of claim 1, and claim 1 is allowable over Schehrer.

Claim 12 depends from allowable claim 1 and is also, therefore, allowable.

Claims 2-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchiyama and claims 2-9 and 13-16 are rejected as being unpatentable over Schehrer. Dependent claims 2-9 and 13-16, depend from claim 1 and further define the invention of claim 1. While Applicants do not acquiesce with the particular rejections to these dependent claims, it is believed that these rejections are moot in view of the remarks made above in connection with Uchiyama and Schehrer and independent claim 1. Therefore, dependent claims 2-9 and 13-16 are also in condition for allowance.

In view of the reasons provided above, it is believed that all pending claims are in condition for allowance. Applicants respectfully request favorable reconsideration and early allowance of all pending claims.

Applicants also request that all species claims withdrawn from consideration be reinstated and allowed along with the currently pending claims.

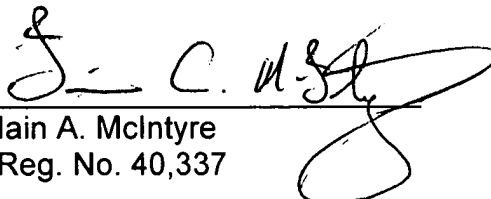
If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Iain A. McIntyre at 612-436-9610.

Respectfully submitted,

On behalf of 3M Innovative Properties Company
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By:


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